

# HOUSE BILL No. 1072

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 6-1.1-12.

**Synopsis:** Property tax deductions for disabled veterans. Allows a disabled veteran to qualify for certain property tax deductions if the veteran's disability is evidenced by: (1) a pension certificate, an award of compensation, or a disability compensation check issued by the United States Department of Veterans Affairs; or (2) a certificate of eligibility issued by the Indiana department of veterans' affairs after the Indiana department of veterans' affairs has determined that the veteran's disability qualifies the veteran to receive a deduction. (Current law does not allow a veteran's disability to be evidenced by a certificate of eligibility issued by the Indiana department of veterans' affairs.) (The introduced version of this bill was prepared by the military and veterans affairs commission.)

**Effective:** March 1, 1999 (retroactive); March 1, 2001.

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**Bailey**

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January 6, 1999, read first time and referred to Committee on Ways and Means.

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First Regular Session 111th General Assembly (1999)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 1998 General Assembly.

## HOUSE BILL No. 1072

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A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

*Be it enacted by the General Assembly of the State of Indiana:*

- 1       SECTION 1. IC 6-1.1-12-13, AS AMENDED BY P.L.1-1990,  
2       SECTION 68 (CURRENT VERSION), IS AMENDED TO READ AS  
3       FOLLOWS [EFFECTIVE MARCH 1, 1999 (RETROACTIVE)]: Sec.  
4       13. (a) An individual may have four thousand dollars (\$4,000)  
5       deducted from the assessed value of the taxable tangible property that  
6       the individual owns, or real property that the individual is buying under  
7       a contract that provides that the individual is to pay property taxes on  
8       the real property, if the contract or a memorandum of the contract is  
9       recorded in the county recorder's office and if:  
10       (1) the individual served in the military or naval forces of the  
11       United States during any of its wars;  
12       (2) the individual received an honorable discharge;  
13       (3) the individual is disabled with a service connected disability  
14       of ten percent (10%) or more; and  
15       (4) the individual's disability is evidenced by:  
16       (A) a pension certificate, an award of compensation, or a  
17       disability compensation check issued by the United States



Department of Veterans Affairs; or

**(B) a certificate of eligibility issued to the individual by the Indiana department of veterans' affairs after the Indiana department of veterans' affairs has determined that the individual's disability qualifies the individual to receive a deduction under this section.**

(b) The surviving spouse of an individual may receive the deduction provided by this section if the individual would qualify for the deduction if the individual were alive.

(c) One who receives the deduction provided by this section may not receive the deduction provided by section 16 of this chapter. However, the individual may receive any other property tax deduction which the individual is entitled to by law.

(d) An individual who has sold real property to another person under a contract that provides that the contract buyer is to pay the property taxes on the real property may not claim the deduction provided under this section against that real property.

SECTION 2. IC 6-1.1-12-13, AS AMENDED BY P.L.6-1997, SECTION 48 (DELAYED VERSION), IS AMENDED TO READ AS FOLLOWS [EFFECTIVE MARCH 1, 2001]: Sec. 13. (a) An individual may have twelve thousand dollars (\$12,000) deducted from the assessed value of the taxable tangible property that the individual owns, or real property that the individual is buying under a contract that provides that the individual is to pay property taxes on the real property, if the contract or a memorandum of the contract is recorded in the county recorder's office and if:

- (1) the individual served in the military or naval forces of the United States during any of its wars;
- (2) the individual received an honorable discharge;
- (3) the individual is disabled with a service connected disability of ten percent (10%) or more; and
- (4) the individual's disability is evidenced by:

**(A) a pension certificate, an award of compensation, or a disability compensation check issued by the United States Department of Veterans Affairs; or**

**(B) a certificate of eligibility issued to the individual by the Indiana department of veterans' affairs after the Indiana department of veterans' affairs has determined that the individual's disability qualifies the individual to receive a deduction under this section.**

(b) The surviving spouse of an individual may receive the deduction provided by this section if the individual would qualify for the

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deduction if the individual were alive.

(c) One who receives the deduction provided by this section may not receive the deduction provided by section 16 of this chapter. However, the individual may receive any other property tax deduction which the individual is entitled to by law.

(d) An individual who has sold real property to another person under a contract that provides that the contract buyer is to pay the property taxes on the real property may not claim the deduction provided under this section against that real property.

SECTION 3. IC 6-1.1-12-14, AS AMENDED BY P.L.48-1996, SECTION 3 (CURRENT VERSION), IS AMENDED TO READ AS FOLLOWS [EFFECTIVE MARCH 1, 1999 (RETROACTIVE)]: Sec.

14. (a) Except as provided in subsection (c), an individual may have the sum of two thousand dollars (\$2,000) deducted from the assessed value of the tangible property that the individual owns (or the real property that the individual is buying under a contract that provides that the individual is to pay property taxes on the real property if the contract or a memorandum of the contract is recorded in the county recorder's office) if:

- (1) the individual served in the military or naval forces of the United States for at least ninety (90) days;
- (2) the individual received an honorable discharge;
- (3) the individual either:
  - (A) is totally disabled; or
  - (B) is at least sixty-two (62) years old and has a disability of at least ten percent (10%); and
- (4) the individual's disability is evidenced by:
  - (A) a pension certificate or an award of compensation issued by the United States Department of Veterans Affairs; **or**
  - (B) **a certificate of eligibility issued to the individual by the Indiana department of veterans' affairs after the Indiana department of veterans' affairs has determined that the individual's disability qualifies the individual to receive a deduction under this section.**

(b) Except as provided in subsection (c), the surviving spouse of an individual may receive the deduction provided by this section if the individual would qualify for the deduction if the individual were alive.

(c) No one is entitled to the deduction provided by this section if the assessed value of the individual's tangible property, as shown by the tax duplicate, exceeds eighteen thousand dollars (\$18,000).

(d) An individual who has sold real property to another person under a contract that provides that the contract buyer is to pay the



property taxes on the real property may not claim the deduction provided under this section against that real property.

SECTION 4. IC 6-1.1-12-14, AS AMENDED BY P.L.6-1997, SECTION 49 (DELAYED VERSION), IS AMENDED TO READ AS FOLLOWS [EFFECTIVE MARCH 1, 2001]: Sec. 14. (a) Except as provided in subsection (c), an individual may have the sum of six thousand dollars (\$6,000) deducted from the assessed value of the tangible property that the individual owns (or the real property that the individual is buying under a contract that provides that the individual is to pay property taxes on the real property if the contract or a memorandum of the contract is recorded in the county recorder's office) if:

- (1) the individual served in the military or naval forces of the United States for at least ninety (90) days;
- (2) the individual received an honorable discharge;
- (3) the individual either:
  - (A) is totally disabled; or
  - (B) is at least sixty-two (62) years old and has a disability of at least ten percent (10%); and
- (4) the individual's disability is evidenced by:
  - (A) a pension certificate or an award of compensation issued by the United States Department of Veterans Affairs; **or**
  - (B) **a certificate of eligibility issued to the individual by the Indiana department of veterans' affairs after the Indiana department of veterans' affairs has determined that the individual's disability qualifies the individual to receive a deduction under this section.**

(b) Except as provided in subsection (c), the surviving spouse of an individual may receive the deduction provided by this section if the individual would qualify for the deduction if the individual were alive.

(c) No one is entitled to the deduction provided by this section if the assessed value of the individual's tangible property, as shown by the tax duplicate, exceeds fifty-four thousand dollars (\$54,000).

(d) An individual who has sold real property to another person under a contract that provides that the contract buyer is to pay the property taxes on the real property may not claim the deduction provided under this section against that real property.

SECTION 5. IC 6-1.1-12-15 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE MARCH 1, 1999 (RETROACTIVE)]: Sec. 15. (a) Except as provided in section 17.8 of this chapter, an individual who desires to claim the deduction provided by section 13 or section 14 of this chapter must file a statement with the auditor of the county



1 in which the individual resides. The statement must be filed during the  
 2 twelve (12) months before May 11 of each year for which the  
 3 individual wishes to obtain the deduction. The statement may be filed  
 4 in person or by mail. If mailed, the mailing must be postmarked on or  
 5 before the last day for filing. The statement shall contain a sworn  
 6 declaration that the individual is entitled to the deduction.

7 (b) In addition to the statement, the individual shall submit to the  
 8 county auditor for the auditor's inspection:

9 (1) a pension certificate, an award of compensation, or a disability  
 10 compensation check issued by the United States Department of  
 11 Veterans Affairs if the individual claims the deduction provided  
 12 by section 13 of this chapter; ~~or~~

13 (2) a pension certificate or an award of compensation issued by  
 14 the United States Department of Veterans Affairs if the individual  
 15 claims the deduction provided by section 14 of this chapter; ~~or~~

16 **(3) the appropriate certificate of eligibility issued to the**  
 17 **individual by the Indiana department of veterans' affairs if**  
 18 **the individual claims the deduction provided by section 13 or**  
 19 **14 of this chapter.**

20 (c) If the individual claiming the deduction is under guardianship,  
 21 the guardian shall file the statement required by this section.

22 (d) If the individual claiming a deduction under section 13 or 14 of  
 23 this chapter is buying real property under a contract that provides that  
 24 the individual is to pay property taxes for the real estate, the statement  
 25 required by this section must contain the record number and page  
 26 where the contract or memorandum of the contract is recorded.

27 **SECTION 6. [EFFECTIVE MARCH 1, 1999 (RETROACTIVE)]**  
 28 **This act applies to property taxes first due and payable after**  
 29 **December 31, 1999.**

30 **SECTION 7. An emergency is declared for this act.**



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